

FMLA LEAVE EXERCISE

1) Eddie is a long-time employee and a widower and father of several grown children. His 25 year-old daughter who is an airline stewardess was recently diagnosed with breast cancer and will require care immediately after her chemotherapy treatments. Eddie has not previously used any sick leave for family care and he has over 1000 hours of sick leave accrued. He has asked for intermittent FMLA and substitution of sick leave for 8 hours for each week for the next seven weeks for the scheduled treatments. Is this a FMLA covered situation? Y _____ N _____

If yes, why? If not, why? _____

Can sick leave be used for this absence? Y _____ N _____

2) Now that his wife has recuperated from childbirth and returned to work, Jim has invoked FMLA for six weeks and requested to substitute sick leave to spend time with his healthy two-month old baby. Is he eligible for FMLA? Y _____ N _____
Is this an appropriate substitution of sick leave? Y _____ N _____

3) Henry brought a medical slip to the supervisor today indicating that his 17-year old son is recuperating from knee-surgery performed on November 26th due to a sports injury. The only other thing that the note states is that the boy will not be able to engage in any sports activities for six weeks and will require five weeks of physical therapy. Henry wants to invoke FMLA for the remainder of the leave year so that he can provide care for his son. Has Henry satisfied what is needed to invoke FMLA is this circumstance? Y _____ N _____ If not, what would be required?

4) John needs four months of time off to provide care for his infant child who has leukemia. The child is being sent to Duke University for experimental treatment and will be there for two months and then will have to be cared for at home, provided medication throughout the day, fed special meals, vital signs monitored, etc. for two months. John has six months of sick leave accrued and has not previously used any leave for family care. He invokes FMLA in June and requests to substitute sick leave to begin immediately for four months of absence.

Is he covered under FMLA? Y _____ N _____

Can he use sick leave for the entire four months? Y _____ N _____

How much sick leave can he use? _____

b. John's wife is also taking off four months to spend with the child. Does this change John's entitlement? Y _____ N _____

c. Changing the example a little – John previously used six weeks of family care sick leave when his child was first diagnosed earlier in the leave year. How much sick leave is available in June when he begins the next absence? _____

What if John invoked FMLA in December not June - how much sick leave would he be able to use during the period of absence? _____

Leave Scenario – The Baby's Heart Surgery

Today is 11/24/2010. Cal Hendricks is a Contract Specialist, GS-12 and his supervisor is Diane Gaines. Cal has 200 hours of annual leave on the books and 500 hours of sick leave. Cal has used 120 hours of family care sick leave earlier this year for medical appointments prior to the birth of his son and to provide care for his wife just prior to and after delivery. He did not invoke FMLA at that time.

Cal brings in a doctor's statement signed yesterday by his ten-month old son's pediatrician indicating that the child requires surgery to correct a congenital heart defect. The surgery will be performed in two weeks and the child will require care for six weeks after surgery which will extend through the week between Christmas and New Year's. The child will need monitoring, medication every four hours, special meals, and checking of vital signs, in addition to psychological comfort.

Cal has also provided a statement indicating that he will be the primary caregiver for his son during the period of recovery. Cal is requesting FMLA leave to begin on the date of surgery (12/8/2010) for a period of six weeks, and he is also requesting that three weeks of sick leave and three weeks of annual leave be substituted in that order for the unpaid FMLA leave.

Is the child a covered family member under FMLA? Y _____ N _____

Is this a serious health condition? Y _____ N _____

Does Diane have the required info for a FMLA request? Y _____ N _____

Must Diane approve the FMLA absence? Y _____ N _____

Does Cal have enough sick leave remaining to cover this absence as he has requested it?
Y _____ N _____

How much family care sick leave will he have used in the leave year when this is finished? _____

Must Diane approve the substitutions of paid leave Cal requested?

Y _____ N _____

In accordance with the local leave policy the supervisor approved the vacation schedule on April 1st for Christmas leave and authorized four staff members to be off. This is the maximum number that could be excused for the two weeks of 19 December through 1 January. Cal was not one of those scheduled to be out for the vacation period. When this medical emergency arose, Diane told the group that a staff member had an urgent requirement and asked for a volunteer to change his/her Christmas vacation plans but no one stepped up. The supervisor is now faced with disapproving previously approved leave.

The local leave directive explains that when leave is to be disapproved and there is more than one person who has leave, then the cancellations are done in reverse seniority (the person with most seniority is cancelled last) by Service Computation Date (SCD). The SCD is the date that the employee's creditable service begins.

Here is the roster for the Property Acquisition Division Contract Specialists:

_____ Adams, Samuel	SCD 07-01-90
_____ Dare, Virginia	SCD 12-01-83
_____ Davis, Bettye	SCD 06-30-00
_____ Power, Tyrone	SCD 10-06-85

Place an "X" by the name of the employee whose leave Diane will cancel.

Write down the basic information that will go in Diane's notice to this employee advising of the cancellation and the reason for it.

If the employee initiates a grievance regarding a cancellation, what should management be prepared to prove?

If the employee indicates that he/she has non-refundable tickets for the parents and two children to visit relatives, what should the response be?

Will the employee whose leave is cancelled be eligible for leave restoration?